

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:10-CR-00064-F-1

No. 7:16-CV-00234-F

CHARLES RAY DEESE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

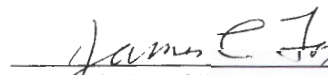
ORDER

This matter is before the court on Charles Ray Deese's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-75]. Having examined Deese's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

Deese asserts challenges based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Sherri R. Alspaugh with the Office of the Federal Public Defender was previously appointed pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015) and was allowed to withdraw.

SO ORDERED.

This 2 day of July, 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE